

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

NATHAN A. SWARTZ,

: Case No. 3:22-cv-117

Petitioner,

:

vs.

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

WARDEN, LONDON

CORRECTIONAL INSTITUTION,

Respondent.

:

REPORT AND RECOMMENDATION

Petitioner, an inmate at the Lebanon Correctional Institution, has filed a motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) in connection with a petition for a writ of habeas corpus. (Doc. 1). The total filing fee due in this habeas corpus action is \$5.00. Petitioner's application reveals that as of May 1, 2022 petitioner had \$20.18 on account to his credit, with monthly pay of \$20.00. (*See* Doc. 1, PageID 37, 40). The application thus demonstrates that petitioner has sufficient funds available to pay the full \$5.00 filing fee in order to institute this action. Accordingly, it is **RECOMMENDED** that petitioner's application for leave to proceed *in forma pauperis* (Doc. 1) be **DENIED** and petitioner be ordered to pay the full filing fee of \$5.00 within **thirty (30) days**. Petitioner should be notified that his failure to pay the full filing fee within thirty days will result in the dismissal of this action.

IT IS SO RECOMMENDED.

May 6, 2022

s/Peter B. Silvain, Jr.

Peter B. Silvain, Jr.
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).